

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ODELL PEOPLES, JR.,

Plaintiff,

14cv0185

ELECTRONICALLY FILED

v.

PENNSYLVANIA MUNICIPAL SERVICE
CO., ET AL.,

Defendants.

ORDER OF COURT RE: PLAINTIFF'S COMPLAINT (DOC. NO. 1)

Presently before this Court is *pro se* Plaintiff's Complaint in which he names 41 Defendants. Doc. No. 1. Plaintiff contends that jurisdiction is based upon "42 U.S.C., The Civil Rights Act of 1866." Doc. No. 1, 2. Plaintiff has paid the required \$400 Administrative Fee. Id.

The sole factual averments in Plaintiff's Complaint are as follows:

I have been a black male my entire "LIFE" and the defendants are white people;

There are no "laws" [of] the United States of America to Protect me as a black male with U.S. Citizenship in lifetime[,] not one law[,] none/zero.

Doc. No. 1, 3. The Court interprets Plaintiff's claims as being brought pursuant to 42 U.S.C. § 1983.

Federal Courts require notice pleading, as opposed to the heightened standard of fact pleading. Fed. R. Civ. P. 8(a)(2) requires only "'a short and plain statement of the claim showing that the pleader is entitled to relief,' in order to 'give the defendant fair notice of what the . . . claim is and the grounds on which it rests.'" *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). As currently pled,

Plaintiff's factual averments do not put any Defendant on notice of their allegedly illegal actions and are not sufficient to advance a claim.

A District Court may dismiss paid complaint *sua sponte* when appropriate under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. *See Schneller ex rel Schneller v. Fox Subacute at Clara Burke*, 317 Fed. Appx. 135, 138 (3d Cir. 2008), *Roman v. Jeffes*, 904 F.2d 192, 196 & n.8 (3d Cir. 1990).

AND NOW, this 12th day of February, 2014, IT IS HEREBY ORDERED THAT Plaintiff may file an amended complaint on or before February 27, 2014. Said Complaint will be screened by the Court for compliance with Federal Rule of Civil Procedure 12(b)(6).

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

ODELL PEOPLES, JR.
102 Harriet Street 1st Floor
Rankin, PA 15104